

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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**MELVIN O. WRIGHT, SR.,**

**Plaintiff,**

**-V-**

**9:04-CV-308**

**NEW YORK STATE DEPARTMENT OF  
CORRECTIONAL SERVICES; COMMISSIONER  
GOORD; A. DIRIE, Corrections Officer; M.  
McDERMOTT, Corrections Officer; M. KASUNIC,  
Corrections Officer,**

**Defendants.**

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**APPEARANCES:**

Melvin O. Wright, Sr.  
Plaintiff *pro se*

Hon. Eliot Spitzer  
Attorney General of the State of New York  
Charles J. Quackenbush, Esq., Assistant Attorney General  
The Capitol  
Albany, New York 12224  
Attorney for Defendants

**Hon. Norman A. Mordue, Chief Judge:**

**MEMORANDUM-DECISION AND ORDER**

Plaintiff, an inmate in the custody of the New York State Department of Correctional Services ("DOCS"), brought this action for monetary relief under 42 U.S.C. § 1983, alleging that he was denied due process during a disciplinary hearing held against him, that he was subjected to excessive force, and that defendants were deliberately indifferent to his serious medical needs. Defendants' motion for summary judgment (Dkt. No. 24) was referred to United States Magistrate Judge Gustave J. DiBianco for a Report and Recommendation pursuant to 28

U.S.C. § 636(b)(1)(B) and Local Rule 72.3(c). In his Report and Recommendation (Dkt. No. 28), Magistrate Judge DiBianco recommends that the motion be granted and the action dismissed.

Plaintiff has submitted objections to the Report and Recommendation (Dkt. No. 29). Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court conducts a *de novo* review of those parts of a magistrate judge's Report and Recommendation to which a party specifically objects. In view of the extent of plaintiff's objections, the Court conducts a *de novo* review of all issues. Defendants have interposed no objections to the Report and Recommendation, nor have they submitted further papers in response to plaintiff's objections (Dkt. No. 30).

Upon *de novo* review, the Court determines that the Report and Recommendation of Magistrate Judge DiBianco is correct in all respects.

It is therefore

ORDERED that the Report and Recommendation (Dkt. No. 28) is accepted and adopted; and it is further

ORDERED that defendants' motion for summary judgment (Dkt. No. 24) is granted; and it is further

ORDERED that the action is dismissed in its entirety.

IT IS SO ORDERED.

March 22, 2006  
Syracuse, New York

  
Norman A. Mordue  
Chief United States District Court Judge